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January 23, 2020

**BY ECF**

Hon. Paul A. Crotty  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**Re: *United States v. Schulte*, S2 17 Cr. 548 (PAC)**

Dear Judge Crotty:

We write to advise the Court, in advance of the final pretrial conference tomorrow, of continuing problems which had prompted us to seek a status conference before the one scheduled tomorrow.

On January 13, 2020, the government produced to the defense 1,801 pages of classified “3500” material (not including 8 Excel spreadsheets, 3 video files, and 3 audio files) and 5,618 pages of unclassified “3500” material. While some of this has been produced to us before, it is still a very large amount of new information for the client and his counsel to process. Concerned, on January 17, 2020, we told the CISO, the government, and eventually the Court that the defense has neither the equipment nor the personnel to copy and process this amount of 3500 material. The volume was overwhelming. On Sunday, January 19, 2020, the government produced 5,313 additional pages of classified discovery. The defense was unable even to begin looking at that material until yesterday, January 23, 2020.

The volume of these productions is interfering with our trial preparation. Defense counsel, Mr. Schulte, and our experts are having difficulty reviewing and processing the 3500 production (and we refer here only to the most recently produced documents). By February 3, 2020, only one trial lawyer—Ms. Shroff—will have read all the classified discovery and 3500 material in this case. This does not even begin to address the trial exhibits (CIPA 6, CIPA 10 and CIPA 5 exhibits) —which we still do not have and which, again, only one trial lawyer has ever reviewed.

Hon. Paul A. Crotty  
January 23, 2020  
Page 2

Further, we still have not been authorized by the CISO or the CIA to conduct even the most rudimentary investigation into any of the many CIA witnesses expected to testify at this trial.

We thank the Court for its continuing attention to this matter.

Respectfully submitted,

/s/

Edward S. Zas & Sabrina P. Shroff  
*Counsel for Joshua A. Schulte*